

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CECILIO BADILLO,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

Case No. 1:20-cv-00393-SAB

ORDER REQUIRING PLAINTIFF TO
SHOW CAUSE WHY SANCTIONS
SHOULD NOT ISSUE FOR FAILURE TO
COMPLY AND THIS ACTION SHOULD
NOT BE DISMISSED FOR FAILURE TO
PAY FILING FEE

(ECF No. 7)

FOURTEEN-DAY DEADLINE

On March 16, 2020, Cecilio Badillo (“Plaintiff”) filed a complaint in this action seeking review of the final decision of the Commissioner of Social Security denying disability benefits. (ECF No. 1.) Plaintiff did not pay the filing fee in this action and instead filed an application to proceed *in forma pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915. (ECF No. 2.) On March 24, 2020, the Court reviewed Plaintiff’s application and found that it did not provide sufficient information for the Court to determine if he was entitled to proceed in this action without prepayment of fees and he was ordered to file a long form application to proceed without prepayment of fees. (ECF No. 3.) On April 10, 2020, Plaintiff filed a long form application, however, the information submitted in the April 10, 2020 application was inconsistent with that contained in the March 16, 2020 application. (ECF Nos. 2, 4.) On April 13, 2020, based on the

inconsistent information contained in the application and the significant expenses listed, Plaintiff was ordered to either pay the filing fee or file a long form application to proceed *in forma pauperis* within twenty days of entry of the order. (Id.) On May 4, 2020, Plaintiff filed another long form application. (ECF No. 6.) Upon review of the application, the Court found that Plaintiff's three applications are inconsistent with one another and that his expenses indicate that he is not entitled to proceed *in forma pauperis* in this action. (ECF No. 7.) Plaintiff was ordered to complete and file another Application to Proceed in District Court Without Prepaying Fees or Costs (Long Form) – AO 239, and provide supporting documentation demonstrating expenses and income from January 1, 2020, the date indicated on the most recent IFP application that Plaintiff's spouse's most recent job position began (ECF No. 6 at 2) through the date of the order within twenty days or pay the filing fee in full. (ECF No. 7.) More than twenty days have passed and Plaintiff has not complied with or otherwise responded to the May 14, 2020 order.

Local Rule 110 provides that “[f]ailure of counsel or of a party to comply with these Rules or with any order of the Court may be grounds for imposition by the Court of any and all sanctions . . . within the inherent power of the Court.” The Court has the inherent power to control its docket and may, in the exercise of that power, impose sanctions where appropriate, including dismissal of the action. Bautista v. Los Angeles County, 216 F.3d 837, 841 (9th Cir. 2000).

Accordingly, the Court HEREBY ORDERS PLAINTIFF TO SHOW CAUSE within **fourteen (14) days** of the date of entry of this order why sanctions should not issue for the failure to comply with the May 14, 2020 order and for failure to pay the filing fee. **Plaintiff is forewarned that the failure to show cause may result in the imposition of sanctions, including the dismissal of this action for failure to obey a court order.**

IT IS SO ORDERED.

Dated: **June 11, 2020**


UNITED STATES MAGISTRATE JUDGE